

Amendments to the Drawings:

Figures 5 and 6 have been amended to include reference numerals 20 and 30.

REMARKS

By this amendment, applicants have amended the specification at page 14, line 8 and page 17, lines 11 and 12 to correct typographical errors in connection with the reference numerals, and have amended page 18, lines 16 to include a period at the end of the sentence. The abstract has been amended to be in proper format. Figures 5 and 6 have been amended to include reference numerals 20 and 30.

Applicants have also amended the claims to more clearly define their invention. In particular, the claims have been amended to delete “channel cartridge” and recite --testing cartridge.-- Claim 1 has also been amended to recite a reagent cartridge protecting sheet covering the reagent outlet and a testing cartridge protecting sheet covering the reagent inlet, wherein said structure is provided by removing the reagent cartridge protecting sheet and the testing cartridge protecting sheet and attaching the reagent cartridge and the testing cartridge so that the reagent outlet is fitted to the reagent inlet. See, e.g., Figures 5 and 6 and the description at page 19, line 17 to page 20, line 12 of Applicants’ specification. Claims 2-8 have been amended to be consistent with amended claim 1 and to improve their format, and claims 9-13 cancelled without prejudice or disclaimer.

The Examiner has objected to the drawings under 37 CFR 1.83(a) as allegedly not showing the “housing part”, “connection part”, “sample channel”, and “reaction region” in claim 1 and the “first storing portion” and “second storing portion” in claim 3. Claim 1 has been amended to eliminate the phrase “connection part” and to recite a --reagent inlet--. A plurality of “reagent inlets” are shown as, e.g., elements 321, 331, 341, 351, 361 and 371 in the drawings. A “housing part” can include, for example, a holding disk 12. A number of “sample channels” are shown in the drawings, including, e.g., serum capillary 316 in Figure 12. The “reaction

region” is shown as, e.g., a reaction chamber 420 in Figure 15. A plurality of “reagent storing parts” are shown as, e.g., elements 220, 240, 250, 260 and 270 in the drawings. A “first storing portion” may be represented as, e.g., part 220 and a “second storing part” as, e.g., part 230. Accordingly, all of the claimed features are shown in the drawings.

The Examiner has objected to the drawings as failing to comply with 37 CFR 1.84(p)(4) in numbered sections 6 and 7 of the Office Action. In view of the amendments to page 14, line 8 and page 17, lines 11 and 12 of the specification, these objections are moot.

The Examiner has objected to the drawings under 37 C.F.R. 1.83(a) as failing to show reference character 2 and to not show reference characters 20 and 30 in Figure 5. Reference character 2 is, however, shown in, e.g., Figure 1, and Figures 5 and 6 have now been amended to include reference characters 20 and 30. Accordingly, reconsideration and withdrawal of the objection under 37 CFR 1.83(a) in numbered section 8 of the Office Action are requested.

In view of the foregoing amendments to the abstract, reconsideration and withdrawal of the objection to the abstract in numbered section 10 of the Office Action are requested.

In view of the foregoing amendments to the claims, it is submitted all of the claims now in the application comply with the requirements of 35 U.S.C. 112, second paragraph, and do not contain any informalities. Accordingly, reconsideration and withdrawal of the objection to claim 5 in numbered section 12 of the Office Action and rejection of claims 1-9 under 35 U.S.C. 112, second paragraph, in numbered section 14 of the Office Action are requested.

Claims 1-3 and 7-9 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 4,940,527 to Kazlauskas et al. Claims 4-6 stand rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Kazlauskas et al. Applicants traverse this rejection and request reconsideration thereof.

The present invention relates to a chemical analyzer including a reagent cartridge and a testing cartridge. According to the present invention, a reagent cartridge protecting sheet is provided covering the reagent outlet of the reagent cartridge and a testing cartridge protecting sheet is provided covering the reagent inlet of the testing cartridge. A structure having a reaction reagent for reacting a sample with a reagent is provided by removing the reagent cartridge protecting sheet and the testing cartridge protecting sheet and attaching the reagent cartridge and the testing cartridge so that reagent outlet is fitted to the reagent inlet.

The patent to Kazlauskas et al. discloses a two-part test cartridge for use in a centrifugal analyzer for measuring the concentration of different electrolytes in blood or blood serum samples. The cartridge has one part which is disposable and which is characterized by a sample entry port, one or more filled calibrant chambers, a waste chamber and passages between various chambers. A second, mating part which is reusable is characterized by an ISE, a power supply and circuitry therefore, and a series of chambers and passages adapted for communication with the series of chambers and passages in the disposable part.

The Kazlauskas et al. patent does not disclose the reagent cartridge protecting sheet and testing cartridge protecting sheet presently claimed. By using these protecting sheets, leakage and evaporation of the reagent held in the reagent cartridge are prevented and contamination within the testing cartridges is prevented.

On the other hand, the Kazlauskas et al. patent relates to conjoining the reusable portion 18 and the housing portion 22 by cutting part of the passage 72; therefore, it is impossible to prevent leakage and the like of the reusable portion 18 because it is difficult to keep the cutting shape uniform. Since the Kazlauskas et al. patent does not disclose and would not have rendered obvious the use of the reagent cartridge protecting sheet and testing cartridge protecting sheet of the present invention, it is submitted the presently claimed invention is patentable over the Kazlauskas et al.

In response to the provisional obviousness-type double patenting rejection in numbered section 19 of the Office Action, Applicants are submitting herewith a timely filed and properly executed Terminal Disclaimer. In view of the filing of the Terminal Disclaimer, reconsideration and withdrawal of the obviousness-type double patenting rejection are requested.

The Terminal Disclaimer has been filed in order to advance the prosecution of the application and is not an admission of the propriety of the double patenting rejection.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance of all of the claims now in the application are requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 500.43726X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Alan E. Schiavelli/

Alan E. Schiavelli

Registration No. 32,087